

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- February 13, 1962

The meeting of the Commission was called to order at 7:30 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman  
Doyle M. Baldrige  
Fred C. Barkley  
Howard E. Brunson  
Noble W. Doss  
S. P. Kinser  
W. Sale Lewis  
Emil Spillmann

Absent

Pericles Chriss

Also Present

Hoyle M. Osborne, Director of Public Works  
E. N. Stevens, Chief, Plan Administration  
Leon Whitney, Associate Planner

MINUTES

Minutes of the following meetings were approved as submitted:

January 15, 1962  
January 26, 1962

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting February 6, 1962:

C14-61-186 W. W. Knap: C to C-2  
Cameron Rd. and E. 53rd St.

STAFF REPORT: Cameron Road is very narrow and is a busy street. The property is presently occupied by three uses -- cleaners, upholstering shop, and auto supply shop. The requested "C-2" zoning permits the added use of a package store or a lounge as proposed. We recommend that the request be granted but call attention to the importance of locating parking areas so that they will not interfere with existing traffic congestion.

Mr. E. D. Halvorson (agent and lessee) presented the following information: This will not be a beer joint but a nice place. I propose to have a cocktail lounge which will be well run. It will be a benefit to the many people who live out here who do not belong to a private club. We will cater only to people with families. There will be no young people running around. We plan to clear the auto supply shop area for parking for 100 cars. This particular area has been growing and is composed mostly of middle-income groups.

C14-61-186 W. W. Knapé--contd.

Mr. W. W. Knapé (applicant) explained that parking will be adjacent to 53rd Street and will not further congest Cameron Road traffic by cars backing in and out of the street.

Reply to notice was received from Mr. Charles D. Nash (owner of nearby property) opposing the request and Mr. P. E. Worsham appeared in opposition but no reasons were given.

The Commission felt that this is a well developed commercial neighborhood and that the proposed use was the highest and best use for the property. It was therefore unanimously

VOTED: To recommend that the request of W. W. Knapé for a change in the zoning plan from "C" Commercial to "C-2" Commercial for property located at 5208-5210 Cameron Road and 1117-1125 East 53rd Street be GRANTED.

C14-62-1 P. E. Worsham: A to BB (as amended)  
1210 E. 52nd St.

STAFF REPORT: There have been several recent changes in this area and on this street. The adjoining property to the west was changed to "BB" Residence and there is a pending request across Lancaster Court. We feel that the pattern has been established by the Commission and the City Council and that "BB" would be in keeping with the established pattern. An avigation easement should be obtained as it has been in other cases in the area. The City needs this easement to restrict the height of structures to within the 25-foot limit.

Mr. Worsham, upon hearing the recommendation of the staff, amended his application to request "BB" Residence and stated that he had no objection to giving the City the avigation easement.

The Commission discussed the surrounding area and noted that the zoning on 53rd Street is predominantly "BB". For this reason it was concluded that the request as amended should be granted with the understanding that the applicant has agreed to give the City an avigation easement. It was therefore unanimously

VOTED: To recommend that the request of P. E. Worsham for a change of zoning from "A" Residence to "BB" Residence (as amended) for property located at 1210 East 52nd Street be GRANTED.

C14-62-2 H. A. Millner: A to B  
W. 39½ St. and Alice Ave.

STAFF REPORT: This request involves one lot with a frontage of 60 feet on 39½ Street and a depth of 139 feet along Alice Avenue. The requested zoning will permit a four-unit apartment house on this lot. The surrounding area to

C14-62-2 H. A. Millner--contd.

the north, west and south is residential and developed with single-family homes and duplexes. This change would constitute a spot zone since there is no other multi-family development in the area and for this reason we recommend against the change.

Mr. Phil Mockford (attorney) represented the applicant and stated the following: There are 9 duplexes in this block. This is the only undeveloped lot in the block on the south side of 39½ Street and is near Lamar where 2-J is located. We feel that while this is the last vacant lot it would be desirable to develop with a 4-unit apartment house.

Mr. C. H. Williams (3504 West Avenue) appeared and stated that he did not live in this area but objected to the change. He felt that four units would be a dis-service to all the people who live in the area and this would be bad development here.

The Commission felt that this request would create a spot zone and was not in keeping with development in the neighborhood. It was also felt that it would be a detriment to the health and safety of the public and that no unnecessary hardship was evident as it is possible to build a duplex under the present zoning in conformity with other lots in the block. It was therefore unanimously

VOTED: To recommend that the request of H. A. Millner for a zoning change from "A" Residence to "B" Residence for property located at 1101 West 39½ Street and 3906-3910 Alice Avenue be DENIED.

DISQUALIFIED: Mr. Lewis

C14-62-3 Richard R. Hooper: B to O  
811 West 10th Street

STAFF REPORT: This property adjoins an "O" Office District except for a 7-foot strip of land. Our main concern is the adequacy of 10th Street and we think there should be an agreement that the owner will make arrangements for widening of the street when it is needed. We would recommend the change if that is done and if the 7-foot intervening strip is included.

Mr. Robert Sneed (attorney) represented the applicant and presented the following information: The owner proposes to erect a two-story masonry office building as near the rear of the property as it can be located. He even proposes to ask for a variance to place the building on the property line. The other area would be used for off-street parking. If this is done, it would eliminate the existing structure which the City would have to purchase if the street is widened. It is contemplated that there would be no improvements built within the area needed for any widening of 10th Street. Valuation of right-of-way would be predicated on present "B" zoning rather than

C14-62-3 Richard R. Hooper--contd.

"O" as was agreed to when the present "O" zone was created. I think Mr. Hooper would agree to that. Mr. Hooper did not know that the 7-foot strip was between the two zones until the last minute. If it is ever for sale we could use it. This property does not affect any private property to the rear because this is City property.

Reply to notice was received from Elsie Jamison (815 West 10th Street) who favored the request.

The Commission reviewed the statements of Mr. Sneed regarding the plan of development and a majority felt that the request should be granted since the adjoining property (except for 7 feet) is zoned "O" Office and the applicant has agreed to place no improvements within the area which would be needed for any widening of 10th Street, the valuation of the right-of-way to be predicated on present "B" zoning rather than the requested "O" zoning. It was also felt that the 7-foot intervening strip should be included in the change. Mr. Barrow said he would vote against the request since he voted against changing the adjacent "O" District because of the narrow width of 10th Street. It was then

VOTED: To recommend that the request of Richard R. Hooper for a change of zoning from "B" Residence to "O" Office for property located at 811 West 10th Street be GRANTED, and that the 7-foot strip also be included in the change.

NAY: Mr. Barrow

C14-62-4 Cater Joseph Estate: A to C

Grover Ave., Justin La. and Rear 6712-6820 Lamar Boulevard

STAFF REPORT: This application is for a tract of land containing about 15 acres out of a total tract of about 19 acres. The front strip along Lamar Boulevard is presently zoned "C-2" where there is a drive-in theatre not in operation and a small hamburger stand in the northeast corner. This tract extends a considerable distance from Lamar and is surrounded and abutted against by single-family homes. There is one apartment house in the area. It is proposed to develop this as a shopping center. Across Justin Lane along Lamar Boulevard there is an industrial zone which is primarily used industrially. We are going to recommend "GR" General Retail but with certain suggested considerations: How it would work out since it would have an effect on the area; there are these residences which will need protection to retain their value; they are good and well maintained homes; Justin Lane is designated as a thoroughfare but it does not have sufficient right-of-way, there is no adequate widening that could occur, it is only 60 feet wide to the west and this proposed development would create more traffic on the street. I think the Committee should take into consideration the possibility of protection and discuss with the applicant what might be worked out.

C14-62-4 Cater Joseph Estate--contd.

Mr. Trueman O'Quinn (attorney) represented the applicants and Messrs. Edward, Harry, Philip, and Samie Joseph were also present. Statements were presented which may be summarized as follows:

1. The area to the east fronts on Lamar Boulevard and it has a frontage of about 550 feet with a depth of about 350 feet back to Wild Street. That is zoned "C-2" Commercial which will permit operation of a liquor store or other uses. This application is for extension of this as "C" zoning to the west. Upon re-examination of application and the Ordinance and uses permitted under "GR" General Retail, we believe that this would be satisfactory.
2. We do have this particular problem. As this consists of 19 acres, it is not too large but is probably the size that we should have for a shopping center. You must have sufficient area in the buildings to house the uses that normally go into a shopping district. We feel that under a "GR" zoning we can put in the commercial uses we plan for a shopping district. We do not intend to develop the entire property for a shopping district but the portion on the west is designed and intended for a professional medical arts building -- for doctors, dentists, and a pharmacy. The supermarket and other types of development would be more in the area near Lamar. The problem we will have in the future is that if we put in a supermarket, unless it is within the "C-2" zone, it will be necessary for us to come back and request that you carve out a small area for this. They will probably want beer to go in the supermarket. If we have a restaurant it will have the same problem.
3. We considered the streets into and out of the property but if a tract of land as it is zoned does not have the streets to carry out the traffic in and out, then you have a development that is not economically sound. Justin Lane by our land has a 75-foot right-of-way. We think if you have the problem of needing a greater right-of-way you would not have the problem here of getting this in order to move people in and out of the area.
4. This 19-acre tract originally was 45 acres and 25 acres has been developed for residential use. All the time the theatre was being used and the other property developed, the City has known that this was planned for a shopping center. There has never been anything planned except that this would be a commercial development. We have not misrepresented to the people that this property would be developed residentially. I (Mr. O'Quinn) personally negotiated for the City of Austin when I was City Attorney for water and sewer lines across this property and at that time the Cater Joseph Estate stated to us that they would go no further than Grover Street in cutting it up with streets or roads. The water and sewer lines were located where streets would normally run if they were put through. The representative of the estate at that time indicated

C14-62-4 Cater Joseph Estate--contd.

that the 19 acres would ultimately be tendered as a commercial development at some time. It is my understanding that we are required to set 25 feet from streets. Mr. Edward Joseph: We intend to have a service road and I would agree to a 25-foot setback from all property lines. There will be no garbage to disturb them. This will be somewhere around a 1½-million-dollar investment. (Director's note: As far as the likelihood of commercial zoning occurring at some future time, I recognize it and other officials recognize it. But as far as saying this would be commercial we did not. We were aware of rumors of possible commercial development. With Wild Street as it is might indicate that it was intended to extend to the north and possibly be developed as residential.)

5. We have had several plans under study, one showing parking under the medical arts building and a shopping area with about 24,000 square feet of airconditioned walkways. The problem here is that if we concentrate development some of the parking is too far away from the shopping. We do not intend to finalize the plan until further information is available. In any plan we would be in a position to offer probably double the parking spaces required by the City.

Five nearby owners appeared favoring the request and written approval was received from three owners, one being conditioned upon there being no taverns, liquor stores or warehouses on the property.

Seventeen owners appeared in opposition, written objections were received from eight owners, and a petition of protest signed by 39 owners was filed. Reasons given were:

1. This zoning change would have the effect of destroying the atmosphere of family life in this residential neighborhood as the result of the encroachment of commercial establishments. This area is primarily a very nice, medium-priced residential area with homes ranging from \$9,000 to \$14,000, and one section from \$15,000 to \$18,000 in value. The proposed change would directly and adversely affect property values. One lot backing up to this property was unable to get any type of FHA or VA loan and this could happen to some of the other property. This tract has homes backing up to it on three sides. Also, shopping centers always have back yards which someone must see.
2. The streets in the area are not developed for commercial traffic. A number of accidents have occurred in the area. Brentwood School is located near this property and additional traffic would increase the danger to the children.
3. This area does not need shopping centers nor professional offices. Residents do not have to go very far to get necessary supplies and there is adequate space in properly zoned areas nearby for anything needed in this area.

C14-62-4 Cater Joseph Estate--contd.

- 4. The two residential areas should not be split by commercial zoning and this proposed change would be detrimental to both existing areas. Nothing was said to people who bought homes about this land ever being commercial.
- 5. The applicant has no definite plans. Is there any reason why this cannot be developed residentially? This is an area where people could live who have children and be available to the school. There could be a nice residential area without this shopping center.

A letter was filed by Mr. T. R. Mamer (906 Ruth Avenue) for consideration of the Commission after the zoning public hearing. Mr. Mamer reviewed the discussion at the hearing and the possibilities and advantages of developing this tract as a residential subdivision. He also submitted the following additional statements: "The owner of the property in question called my office and . . . asked for my support in this matter. When he learned of my opposition, he made two statements which may or may not have any effect on the outcome of this case. First he said he had many friends, and if this request failed this time, he would sooner or later have it put thru. He also said that instead of a residential development such as is now on Choquette and Dwyce, he just might develop it into a smaller size lot subdivision and put in a 'Mexican' housing development."

The Director reported at the Commission meeting that Mr. O'Quinn would submit to the Commission for consideration voluntary restrictions on the uses. The Commission discussed the advisability of creating an "LR" Local Retail zone rather than a "C" Commercial District to provide better control of the uses, and a buffer zone around the property adjacent to the abutting residential development. Some members wanted a 50-foot strip of "B" zoning as a buffer and others felt that a fence or 10-foot green strip would provide more protection. The question of maintenance of a green strip was discussed and it was concluded that the 50-foot "B" Residence strip would afford better protection. The question of maintenance of a green strip was discussed and it was concluded that the 50-foot "B" Residence strip would afford better protection than an unmaintained green strip. The Commission further concluded that the property should be zoned "LR" Local Retail to provide better control of development on this property. Therefore, it was unanimously

VOTED: To recommend that the request of Cater Joseph Estate for a zoning plan change from "A" Residence to "C" Commercial for property bounded by Grover Avenue, Justin Lane, and the rear of 6712-6828 Lamar Boulevard be DENIED; but that an "LR" Local Retail classification be established for the property except for the south 50 feet between Grover Avenue and the east line of Wild Street, the west 50 feet along Grover Avenue, and the north 50 feet extending from Grover Avenue to the point where Justin Lane intersects this property, which is recommended for "B" Residence zoning.

C14-62-5 Graham Wilson: A & BB to B, 1 & 2 to 2  
 2808-10 Rio Grande and 2811 (2809) Salado St.

STAFF REPORT: This property extends from Salado Street to Rio Grande and contains about 20,550 square feet in area. The surrounding property is developed with one- and two-family dwellings. The property at the northwest corner of 28th and Rio Grande and that south of 28th Street is presently "B" Residence and Second Height and Area, most of which is developed with apartments. The subject property and the tract adjoining on the south is zoned "BB" Residence and Second Height and Area and there is another "BB" District and some "C" Commercial zoning north of 28 $\frac{1}{2}$  Street which is developed with one- and two-family dwellings. This property is of sufficient size to permit 13 regular units or 26 efficiency or apartment hotel units. The eastern portion is now zoned to permit 9 regular units or 18 efficiency apartments. We have had other zoning change requests in the area, one being the property directly across Salado Street which was denied. One thing to consider is the street problem. Without some plan for the area which takes into consideration the streets, the fact that this is an intrusion into a residential area, and the back portion being spot zoning, we recommend against the change.

Mr. Wilson was present and presented the following reasons for requesting the change: This area has been pointed out to me as a service area to the University of Texas, and I was advised that the University is seeking property for student housing. If at any time the City should want to widen Salado Street I can see no objection to that as it would improve my property. The occupants would have the choice of two streets for access to the property. Sufficient off-street parking is required by the Zoning Ordinance.

Two nearby owners submitted favorable replies to notice. The owners appeared in opposition and written objections were filed by four persons. Reasons given were

1. The area under consideration is already too congested. The street is narrow and parking is a serious problem. Apartments would increase the traffic problem. Salado Street cannot be widened on the east side because of the existing 10 houses.
2. Multiple housing lessens the value of single-family units.
3. This area near Seton Hospital and the University should remain quiet.
4. This would create a spot zone. This request represents the third type of zoning for that particular property in approximately 12 years.

The Zoning Committee reported that it had recommended that this request be denied for the reason that the proposed zoning would permit too high density for this area and because of the narrow streets. The staff reported to the Commission receipt of a letter from the applicant requesting that this request be withdrawn. The Commission therefore unanimously

VOTED: To permit the applicant to withdraw his application.

C14-62-6 W. H. Bullard: GR and B to C-1  
1102-1106 Koenig Lane

STAFF REPORT: The surrounding area to the north is developed predominantly with single-family dwellings. The site is presently zoned "GR" General Retail, with "LR" Local Retail on the west and "C" Commercial on the east; however, there are different types of uses. To the south is a vacant portion of McCallum High School property, a bowling alley to the southwest, two service stations on the corner to the west, two churches to the east, and other small business and office uses. With the existence of the churches and school and the lack of complete development of Koenig Lane, which is designated as a primary thoroughfare, there is a question of whether or not this fits the policy of the Commission and we recommend that the request be denied.

Mr. Dan Priest (employee of the applicant) presented information as follows in support of the request: Several months ago Mr. Burkhalter, a man experienced in operation of fine restaurants, asked us to find a location for a small neighborhood restaurant. We selected this site. Ample parking will be provided. We analyzed the area to see how it was developed and how this would fit in with what is developed now. The zoning we have now would be adequate except for the sale of beer which would not be permitted. By measurement as required by State law, it is 500 feet from the nearest church. There is an industrial sheet metal shop adjoining this property on one side and an architect's office on the other side. The restaurant would be about 200 feet from the rear of the nearby homes. The parking lot of the school is used only a few times during the year. The restaurant which sells beer in the bowling alley is much nearer the entrance to the school and stadium than this proposed use would be and there are a number of beer places on Lamar Boulevard which are nearer the school than this proposed restaurant.

Reply to notice was received from W. J. Clark (1100 Koenig Lane) favoring the request but stating no reasons.

Mr. H. B. Peacock (6002 Aurora Drive) appeared in opposition and written objection was filed by Grace Church of the Nazarene. Reasons were that this would permit the sale of beer within two doors of the church property and also near the high school, and that there are thirteen new homes in the process of being built in the neighborhood and the sale of beer here would be a great moral injustice to the community and people driving along the street.

The Commission noted that the present commercial zoning is not all used commercially but that there are two churches in the area to the east. The Commission further noted that the property in question extended about 9 feet into the residential portion of this lot. It was felt that the request should be denied since the proposed use would be a hazard to the health, welfare and safety of the community. Therefore, it was unanimously

VOTED: To recommend that the request of W. H. Bullard for a zoning plan change from "GR" General Retail and "B" Residence to "C-1" Commercial for property located at 1102-1106 Koenig Lane be DENIED.

C14-62-7 Murray P. Ramsey: A & 1 to B & 2  
 4514-4528 Ave. A and 501-505 West 46th St.

STAFF REPORT: This application is for a number of lots fronting on Avenue A and on 46th Street, with an area of 57,392 square feet. The applicant proposes erection of apartment buildings. Under the proposed zoning 38 regular units or 76 efficiency or apartment hotel units would be permitted. The applicant orally stated that it would be used in conjunction with present property fronting on Guadalupe Street which is of such size as to permit 55 regular units or 110 apartment hotel units. The total permitted would be 186 units on both tracts if used jointly. Avenue A is not developed in front of the property. 46th Street is too narrow and is not developed. We recommend that "B" Residence be granted but that First Height and Area be retained to permit 96 units, on condition that the streets be developed and with 46th Street being widened.

Mr. Ramsey appeared before the Committee and presented information which may be summarized as follows:

1. This property was bought long before there was a zoning ordinance. This subdivision does not have alleys and the original zoning along Guadalupe included one-half of the block. We have someone who is interested in buying this area and developing it into apartments. The area facing Guadalupe does not belong to us. These people have made arrangements to buy this. They claim they can put the number of apartments they want on this area but they want to make a lower building with a swimming pool and other conveniences for a modern apartment development. They do not want the maximum permitted under the proposed zoning but more than permitted under First Height and Area.
2. The purchasers propose three U-shaped buildings. They would have less open area and higher buildings if confined to the present "C" Commercial. Under the present proposal they will restrict the front part as "B" and develop it all similarly.
3. There are no houses on the east side of Avenue A across from this property and we own all the lots except one facing the property. The area across Guadalupe and West Guadalupe belongs to the State of Texas and when it is developed it will not be developed as First Height and Area. We cannot get loans for residential development because of the commercial area adjoining the property and the State property. It seems to result in better development when you use a larger area.
4. I subdivided this property but realized later that this was not the proper development for this area. At one time a theatre and small commercial development was planned for the commercial area and the owners felt at that time that they would want to extend back to Avenue A

A representative of the owner of property at 4505 Guadalupe Street appeared favoring the request for the reason that this would raise the value of property in the neighborhood.

C14-62-7 Murray P. Ramsey--contd.

Mr. S. B. Spier (4512 Avenue B) appeared in opposition and said he would like to have time to study the plans for 156 units and consider the possible number of automobiles. He was also interested in the view from his home and as the approach to the City. Mr. J. B. Mock (4514 Avenue B) submitted written objections on the grounds that this is a quiet neighborhood and this use would depreciate the property in the area.

The Zoning Committee reported that this was referred to the Commission without a recommendation and the staff was instructed to contact the applicant regarding widening of 46th Street and development of the two streets.

At the Planning Commission meeting, the staff reported that Mr. Ramsey had been contacted but has not yet presented information as to whether or not he or the prospective purchaser would do anything with the streets. The Director again called attention to the possibility of a proposal to develop the area across Avenue A with apartments and cited the need for limiting the density. Attention was also called to the unusual intersection of Guadalupe and West Guadalupe Streets which would create problems with the additional traffic added with the apartments, also to the "C" Commercial property north on Guadalupe Street from the property affected.

Mr. Edward M. Horne appeared before the Commission and stated that he is one of the persons buying this property and if the zoning request is granted they would be glad to pay their part of the paving costs and give additional right-of-way for the widening of 46th Street. He explained that they are trying to build 34 units at this time and two additional 48-unit buildings within a period of five years. He said they would be glad to give a restrictive covenant tying the development to this property and the present commercial area and would be glad to have "B" Residence and Second Height and Area on both tracts since they do not want "C" Commercial. He felt that developing the two tracts together would permit smaller and lower buildings. Mr. Horne said, however, that they would not agree to the street development if the property is zoned "B" Residence and First Height and Area. He said if they get "B" Residence and Second Height and Area he can get the present owner of the front portion to agree to restrict the number of units on the entire tract to 150.

The Director explained that "B" Residence and Second Height and Area on both tracts would permit about 176 apartment units. Mr. Barrow said he would be in favor of zoning it "B" and First Height and Area to restrict the density. Other members felt that the request should be granted since the applicant has agreed to widen 46th Street and pave the streets around the entire property, has stated that he will ask for "B" Residence and Second Height and Area on the present "C" Commercial property, and has also stated that there will not be more than 150 units on the entire tract. Mr. Barrow said he would vote against the change as he objects to zoning under restrictive covenants and he felt that the density would be too high. The Commission then

C14-62-7 Murray P. Ramsey--contd.

VOTED: To recommend that the request of Murray P. Ramsey for a change of zoning from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at the southwest corner of Avenue A and West 46th Street be GRANTED.

NAY: Mr. Barrow

C14-62-8 Annie M. Gaffney: A to GR  
 West Ave., W. 38th, and Gaffney St.

STAFF REPORT: This property is developed with two single-family dwellings and one duplex. It is proposed to build an office for the National Cash Register Company. The property along Lamar Boulevard is "C" Commercial and there is "LR" Local Retail on 38th Street. East of the site toward Ronson is "O" Office. We would like to include the remaining portion of the block in our recommendation. Because of the existing zoning we feel that the "GR" General Retail should be denied and "O" Office granted in conformity with the zoning to the east. "GR" would be spot zoning.

Mr. Roger S. Hanks (agent) appeared for the applicant who was also present and presented the following:

1. The use of the area is changing. There is heavy traffic flow on 38th Street which is designated to be a major boulevard artery and will be widened at that time.
2. There is a question of how to protect the residential area and of how best to develop this property on 38th. The Lions' Club across West Avenue has night operation. This proposed use is a type of business that would be similar to uses which do not operate at night. Other similar uses have very attractive developments. This will not be a retail type sales office. The letter from the purchasers specifies that they will have a 20-year lease and agreed that the property will not be subdivided.
3. We are agreeable to "O" Office if the City will authorize the National Cash Register Company to go in that zone.
4. The building will be near 38th Street and the south portion will not be used now.

Mr. Stevens explained that there could not be a special permit because of the adjoining "LR" zoning and that this would be a Board of Adjustment matter but they have been advised that they have no power to grant use variances. He said if the use were restricted, the remainder of the block would sometime be changed and it might not be restricted.

Replies to notice were received from four nearby owners favoring the request and a petition signed by 23 owners also favoring the proposal was filed.

C14-62-8 Annie M. Gaffney--contd.

Three nearby owners appeared in opposition and written objections were filed by three owners. Reasons given were:

1. During the past ten years or since we became owners of the above stated homestead, we have fought tooth and toe-nail to maintain West Avenue from 34th Street to 38th Street "A" Residential zoning. Much against our wishes, the northeast corner of West Avenue and 34th Street was changed to another type of zoning and is now a doctor's office. We still want to keep the entire street residential.
2. There are no "GR" General Retail zones in the entire area of 38th Street between Lamar Boulevard and Guadalupe except the two corners facing these two streets.
3. There is much property on Lamar and Guadalupe which is blighted and could be bought up by real estate speculators in lieu of coming into a strictly residential area and creating further "GR" General Retail areas.
4. Some of us were not notified of this hearing and feel this vitally affects us. (Mr. Stevens explained the requirement of the Zoning Ordinance on notification to owners within 200 feet of proposed changes and the policy of the Department in sending notices to owners within 300 feet.)
5. People who pay taxes on their homes should be protected. Most people in Austin live in modest neighborhoods like this. Where can they go when they have to leave because of zoning changes?

The Director reported to the Commission that "GR" General Retail is the next highest zone in which the proposed use would be permitted since it is covered in a general fashion under the Ordinance with furniture and other supplies for office equipment involving delivery with trucks in operation and trucks making deliveries to the store itself, and in an office this type of operation does not necessarily occur. He also called attention to any future development of 37th Street and whether or not it should be extended as it would take a part of the southern portion of this block. The Commission took note that the applicant would accept "O" Office if it would permit the use proposed and that 38th Street will be a thoroughfare and the property is not suitable for residential development. Inclusion of the property in the northwest corner was considered but it was agreed that it should not be rezoned at this time, Mr. Brunson noting that there are no plans and it is not known how it will be used. Mr. Barrow said he did not consider "GR" to be sound zoning here nor consistent zoning in relation to adjacent zoning. It was then

VOTED: To recommend that the request of Annie M. Gaffney for a change of zoning from "A" Residence to "GR" General Retail for property located at West Avenue, West 38th Street, and Gaffney Streets be GRANTED.

NAY: Messrs. Barrow and Baldrige

C14-62-9 Hillmer Estates, Mrs. J. R. Allen and Mathilda Ashley: A to C  
W. 32nd St., North Lamar, and W. 33rd St.

STAFF REPORT: This consists of two separate tracts located between a "C" Commercial zone on the south and a "C-1" zone on the north. Due to the fact that the present zoning on Lamar Boulevard is consistent zoning, we feel that this proposed change fits into the present zoning and recommended that the change be granted.

Mr. Dan Priest (agent for the Hillmer Estates) represented the applicant and reported that they have discussed their plans with the Director of Public Works and the Building Inspection Division. He said the design of the building will be slightly residential in appearance on the outside.

Mr. W. E. Thompson (agent for the Becker Estate) said at the time he had his property zoned the City zoned other property on Lamar and this proposed change would be in line with this trend. Mr. James R. Alley represented his wife who is an heir in the Becker Estate).

The Commission concluded that this request should be granted for the reason that this property is surrounded by the same zoning and this would be a logical extension of the present commercial zoning. It was therefore unanimously

VOTED: To recommend that the request of Hillmer Estates, Mrs. J. R. Allen and Mathilda Ashley for a change in the zoning plan from "A" Residence to "C" Commercial for property located at West 32nd Street, North Lamar, and West 33rd Street be GRANTED.

C14-62-10 Randolph A. Haynes, Jr.: A to B  
E. 52nd St. and Lancaster Court

STAFF REPORT: This property is in an area where there have been prior zoning changes which have established the pattern in the area, but we recommend "BB" Residence in accordance with the other changes. We also recommend acquisition of an avigation easement limiting the height of buildings and structures to 25 feet.

Mr. Haynes states that he wants to build more than five units but if he cannot get "B" Residence he will be satisfied with "BB" Residence. He also stated that he understood about the avigation easement needed.

Mr. Thomas W. Malone (105 Covington) appeared in favor and reply to notice was received from Mr. Charles D. Nash (owner of nearby property) favoring the request.

The Commission felt that a change to "BB" Residence would be in accordance with other zoning on 52nd Street, with the understanding that the applicant agree to give the City an avigation easement. It was therefore unanimously

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C14-62-10 Randolph A. Haynes, Jr.--contd.

VOTED: To recommend that the request of Randolph A. Haynes, Jr., for a change of zoning from "A" Residence to "B" Residence for property located at 1300 East 52nd Street and 5201-5205 Lancaster Court be DENIED; but that a "BB" Residence classification be established for this property.

C14-62-11 Terrell Timmerman: A to LR  
204 East 53rd Street

STAFF REPORT: This property is a part of three 25-foot lots which have been resubdivided twice, and there might be a subdivision problem involved in this case. The tract contains an area of 4092 square feet and is presently developed with a single-family residence. The City Council has extended the "LR" Local Retail zoning along 53rd Street to this lot and this is an "A" Residence spot zone. In view of the circumstances we recommend granting the request but feel that extreme care should be given to developing this lot.

Mr. R. J. Potts, Jr. (attorney) appeared for the applicant and presented the following: Mr. Timmerman has a purchaser for this property who proposes to establish a small grocery here. Mr. Timmerman operates a pharmacy there and is very much interested in the neighborhood. The present house is an eyesore but is not suitable for residential use and he is trying to interest someone in having a grocery store. I do not know what to do about the traffic. We have access on the alley and about 60 feet of frontage which does not give much area for planning and traffic relief.

Written approval was filed by the Howell Refining Company (owner of nearby property).

Written objections were received from three nearby owners for the following reasons: Commercial zoning of this property with no off-street parking would add to the existing traffic problem at this intersection. The traffic problem is tremendous already. There is no need at this time for additional commercial zoning and a drive-in grocery is definitely not needed in this area. There are too many vacant business shops around the area now.

In view of the fact that this is an "A" Residence spot zone in its present state, the eastern portion of the original lots having been previously zoned "LR" Local Retail, the Commission concluded that the request should be granted. It was therefore unanimously

VOTED: To recommend that the request of Terrell Timmerman for a change of zoning from "A" Residence to "LR" Local Retail for property located at 204 East 53rd Street be GRANTED.

C14-62-12 Hunter Schieffer and Don Lyda: A to O  
5702-5712 Berkman Drive

Staff Report: This is across Berkman Drive from a shopping center and is surrounded otherwise by single-family dwellings except for duplexes to the northwest. We feel that if this property on Berkman backing up to the creek is changed to "O" Office, it would affect the residences and leave a question on the possible use of the adjoining property on the north. Because of the problems involved, we recommend that this application be denied.

Mr. Robert C. Sneed (attorney) represented the applicant and presented the following:

1. I also represent the proposed purchasers, Dr. W. O. White and Dr. Charles M. Diseker, who would like to place offices on this property. It is contemplated that a short form subdivision would be filed for Dr. White to the north portion and Mr. Diseker on the south, as described in a letter sent to affected surrounding property owners by the applicant. We feel that it is a matter of gradation. A filling station would be degrading to this property if it were permitted because only a small portion of the property is across from the "GR" zoning.
2. I attempted to prohibit any uses by restrictive covenant which would be objectionable to the residential property, in particular prohibiting a filling station and veterinary hospital, and to provide a shield. Every adjoining residential property across the drainage ditch and easement has an ornamental fence. This restrictive covenant will also require a shielding on the other side of the creek which must be a louvered type wall or fence not to exceed six feet in height or a hedge or adequate planting screen, which plant material shall be kept in a healthy growing condition.
3. We feel that this would be the highest and best use for the property. Offices would be built in architectural form similar to a residence. The doctors feel that being in the center of their patients' homes provides the most convenient service. The size of the land will provide adequate off-street parking. We believe it to be sound zoning. The doctors live in the neighborhood and are interested in protection for the area.

Messrs. H. E. Cotton (1604 Northridge), Edward S. Peterson (1410 Ridgehaven), J. M. Schuster (1606 Northridge Drive), and Kermit E. Brown (1610 Northridge) appeared and, after hearing the proposals of the applicant and prospective purchasers, stated the following: This does not seem to be an unreasonable proposal. We would not be opposed to house type buildings but are afraid there might be a pattern toward commercial on this side of Berkman Drive. We are only interested in what will happen to the property on the north. Anything that brings one additional car adds to the traffic problem.

Replies to notice favoring the request were received from Holiday Realty Company, Mr. Thomas F. Lasell (1612 Northridge) and Mr. Arthur B. Hiatt (1606 Ridgehaven Drive).

C14-62-12 Hunter Schieffer and Don Lyda--contd.

The Commission discussed the restrictions proposed by Mr. Sneed under restrictive covenants. The Director said there is a problem in zoning with deed restrictions with regard to whether or not the City could enforce them and the fact that this cannot be followed through with any degree of consistency since the next owner might not be willing to include the restrictions. He again called attention to the problem of developing the adjoining tract on the north which abuts houses fronting on Sweetbriar. The Commission reviewed the statements of the applicant and the location of the property and felt that the proposed development would be the highest and best use for the land because of the shopping center across the street. For these reasons, it was unanimously

VOTED: To recommend that the request of Hunter Schieffer and Don Lyda for a zoning plan change from "A" Residence to "O" Office for property located at 5702-5712 Berkman Drive be GRANTED.

## ZONING CHANGE REQUEST FOR RECONSIDERATION

C14-61-176 Phillip and Ernest Joseph: A to C-1  
Peacock and South 1st Streets

The staff reported that this case was referred back to the Commission for reconsideration but in the meantime a letter has been received from Mr. Robert J. Potts, Jr. (attorney) stating that the applicants desire to withdraw the application at this time. The Commission therefore unanimously

VOTED: To permit the applicant to WITHDRAW this request.

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of February 7, 1962. The staff reported that no appeals had been filed for review of the Committee's action but that 6 cases had been referred to the Commission without action because of lack of a quorum of the Committee being present:

- C8-62-3 Fawn Ridge
- C8-62-5 North Lamar Park
- C8-62-6 Northwest Hills, Sec. 6
- C8-62-7 White Plains, Sec. 3
- C8-62-8 Northgate Subdivision
- C8-62-9 Neans Place, Sec. 2

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of February 7, 1962, on the minutes of this meeting.

## PRELIMINARY PLANS

C8-61-45 Allandale Park, Sec. 5  
Burnet Rd. and Silverplume

The staff noted that this subdivision had been deferred at the request of the owner and that a revised plan has been submitted. The following comments were presented by the staff and discussed:

1. Identify the proposed use of Lots 1 and 2, Block R, and Lot 14, Block J, on Burnet Road.
2. Richcreek Road centerline should line up with the existing centerline of that street east of Burnet Road. The engineer agreed to line this up.
3. A variance from block length requirements is necessary for Blocks M and F. It is recommended as it will tie in with existing streets to complete a good circulation pattern.
4. Relocation and vacation of a small portion of Silvercrest Drive (which has been previously dedicated) will be necessary before a final plat can be approved.
5. The north portion, including all land north of the school site be held in abeyance until a plan of development for this area is shown. Mr. James Watson (engineer) agreed to this since the subdivider is not sure what will be done with this portion.

The Committee then

VOTED: To APPROVE the plan of ALLANDALE PARK, SEC. 5, south of the north line of the school site pending furnishing of additional necessary easements and compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks M and F.

C8-61-46 Allandale Park, Sec. 6  
Shoal Creek and Silverway

The staff noted that this had been deferred at the request of the subdivider pending further study of the plan. The following comments were then presented by the staff and discussed:

1. A variance from block length requirements is necessary for Blocks E, S, T and W, and is recommended since providing a street to cut these blocks in two would be unnecessary for circulation or utility service.

C8-61-46 Allandale Park, Sec. 6--contd.

2. There is a small strip of land north of Whiteway Drive which is not subdivided and the owners have an option to buy the adjoining property on the north to combine with this tract for development. Mr. James Watson stated that the final plat will not include Whiteway Drive pending working out the ownership problem.

The Committee then

VOTED: To APPROVE the plan of ALLANDALE PARK, SEC. 6, pending furnishing of additional necessary easements and compliance with departmental requirements, and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks E, S, T and W.

C8-62-1 Holiday Heights, Sec. 1  
East Crest Dr. and St. Johns Ave.

The staff presented the following comments:

1. A preliminary plan for the entire area to the Interregional Highway is needed.
2. A tie-in with Duval Street is required to meet Subdivision Ordinance requirements.
3. A 90-foot right-of-way is required for St. Johns Avenue 45 feet from the centerline on each side.

The Director presented the following statements which were discussed:

1. One problem is the layout. In the subdivision to the north there are three streets dead-ending into this property. In 1955 there was a final plat, which was not completed, involving this entire tract. At that time the Planning Commission approved the non-connection of these streets.
2. The present preliminary plan leaves an unresolved problem as to whether or not at least one street should be connected. The plan extends to the west boundary line of Duval Street with no preliminary plan on the remainder of the tract where Duval Street would extend. The question is what the street pattern should be or whether or not it should be brought up at this time. The plan could be approved with the following alternatives: (1) you could approve the plan with a statement that either Duval or Martin should extend through in the future or that neither one should be extended; (2) the extension of either street could be included at this time; (3) Croslin Street could be extended to the Interregional Highway.

C8-62-1 Holiday Heights, Sec. 1--contd.

3. The problem is that the St. Johns subdivision has no access except from the Interregional which no longer has a two-way frontage road, necessitating difficulty and extra travel for the residents of the area. The Planning Commission previously approved Holiday Hills, a subdivision which did not provide access to the east.

Mr. Osborne stated that as far as the recommendation of the Department is concerned, he felt that there should be a connecting street, probably Duval Street, so that there could be movement from St. Johns subdivision to the south of St. Johns Avenue but this does not mean a definite time for doing this or how it should be done. He noted that if Mr. Bullard does not own the land if and when it is subdivided in the future, the City will have control over subdivision and could require the extension of Duval Street but if the land is developed and a building permit issued there is a question of whether or not the City would have to acquire a street here.

Mr. Bullard (subdivider) stated that this land not included in the subdivision is too valuable at this time to put in residential development and he wants to hold it for possibilities of future development because of surrounding development. He felt that it is necessary to terminate the residential section at the west line of Duval Street. He explained that if he develops the land as commercial he would not do so without circulation and if he sells the tract as a block he will at that time offer the City the street right-of-way for the price he would be getting for the land. He did not, however, think Duval Street should be extended at this time.

In relation to the widening of St. Johns Avenue, Mr. Bullard stated that the City has decided to have a 90-foot street since he developed the first section of his subdivision and any widening would take part of the 25-foot setback of existing houses. He noted that he would not mind giving the right-of-way if the over-all plan is approved since he would then have a setback which will allow for the right-of-way.

The Commission discussed the extension of Duval Street and could see no reason why this should be done now since something might develop which would change the plans for the extension; however, it was agreed that it would be good planning to require that Duval Street be extended in the future. The Commission then

VOTED: To APPROVE the plan of HOLIDAY HEIGHTS, SEC. 1.

C8-62-3 Fawn Ridge

Parker La. S. of Woodland

The following comments were presented by the staff and discussed:

C8-62-3 Fawn Ridge--contd.

1. Andrus Drive should be called Matagorda Street since it is a continuation of that street. Mr. Jeryl Hart (Marvin Turner Engineers) agreed to the change.
2. It is recommended that Lot 12, Block A, Lot 10, Block E, Lots 1 and 2, Block F, Lots 12 and 14, Block D, and Lots 1 and 6, Block C, provide 25-foot building setback lines to maintain an even setback. Mr. Gilbreth (developer) objected to this setback for the reason that it would restrict the design of that particular house and would result in an ill-shaped house. He said you cannot build a \$20,000 house on a lot with 25-foot setbacks from both streets.
3. It was recommended that the circle on Deer Run Drive be eliminated as it is unnecessary to gain a greater number of lots. Mr. Whitney reported that he discussed this with the developer who stated that they were able to get wider lots with the circle but they could front the lots on the street. Mr. Hart said if the lots were fronted on the street without the horseshoe, the average curb space for parking would be considerably less and he felt it is important to care for guests. He said if the street is pulled up to absorb the bulge they would be in conflict with the contours and the results would be indefinite. The Director stated that this plan does permit a larger number of driveways into an area and immediately into a street, plus widening of the street. Mr. Hart said the idea was to get the maximum number of lots with a minimum curb area in the front and he felt it was expedient to use the land to its best advantage.
4. The staff is recommending changing the name of this subdivision since there is an existing Fawnridge Drive street in North Austin. The developer stated that he did not wish to change the name and the engineer said he could see no connection since people normally connect themselves with the street rather than the subdivision name. The Director said in this case he did not feel it would make any particular difference.

Mr. Walker (owner of two lots across Parker Lane) stated that there is a problem in that from Deer Run Drive to the northeast corner of the subdivision there are five lots backing up to Parker Lane and this plan will make his lots face into the back yards of the houses. He felt that all lots should front on Parker Lane. He noted that the lots in the Duffy property to the north back on Parker Lane but they do not have the same effect since there is a draw which makes the property on the east higher. He thought that the proposed subdivision plan would ruin the value of lots on the east side of Parker Lane. Mr. Hart said a preliminary plan was approved several years ago which somewhat established a pattern and they were just following that pattern. Mr. Gilbreth said if they had to develop Parker Lane they could not buy this land. It was explained by the staff that Parker Lane is already a dedicated street.

C8-62-3 Fawn Ridge--contd.

The Committee discussed the 25-foot setbacks for the corner lots. Mr. Lewis felt this would take away available land for building and that the setback should be governed by the size of the lot, with the probability that a larger lot would be required to provide two 25-foot setbacks. Mr. Kinser favored the setbacks which have been required in the past on other subdivision, but suggested that this be passed to the Commission since no policy has been adopted. With regard to the circle on Deer Run Drive, it was felt that no objection is seen. The Committee therefore

VOTED: To REFER this subdivision to the Planning Commission with the indication that the Committee indicate to the Commission that it sees no objection to the circle on Deer Run Drive but that further recommendations be given further study.

The Commission reviewed the discussions at the Subdivision Committee meeting and the staff presented an alternate plan designed to eliminate the semi-cul-de-sac on Deer Run and to avoid having double-frontage lots on Parker Lane as a result of opposition by Mr. Walker. The Director reported that the subdivider and engineer do not feel this is a feasible design because of the amount of fill needed if the street is shifted. He said this is a suggested alternative plan but is not recommended as a final solution.

Mr. Gilbreth explained that Mr. Wayne Berry has a \$25,000 home adjoining this property on the north and if Sylvan Drive is re-aligned to form two lots north of its intersection with Parker Lane, Mr. Berry will have a back door to the front of his home. He said they cannot get as many lots under this plan and felt that Mr. Walker's lots would not be injured by the through lots first proposed by them since these lots are from 8 to 10 feet lower than Mr. Walker's lots.

Mr. Walker called attention to the beautiful view of Austin and Town Lake from his property and said the subdivision with through lots would decrease the value of his property at least \$2,000. He suggested bringing a street through at the south of Mr. Berry's house. Mr. Osborne said they would have a drainage problem there. Mr. Walker said the proposed lots are only 120 feet deep and the backs of the houses would be near Parker Lane.

Mr. Barrow noted that approval of the plan as presented would be in violation of the Subdivision Ordinance. Mr. Osborne said there would be a 25-foot setback on the lots from Parker Lane and Mr. Walker's lots are 210 feet deep, but that the staff felt this suggested plan offered the minimum difficulties with respect to Mr. Walker's lots and a reasonable solution for the property to the north.

The Commission felt that further study should be given this plan and therefore

VOTED: To DEFER this subdivision for further study and to consider it at the next Subdivision Committee meeting and then the next Commission meeting.

C8-62-5 North Lamar Park  
N. Lamar at Rundberg La.

The staff presented the following comments which were discussed:

1. A better intersection at Ridge View Drive and Valley Forest Drive is suggested.
2. Additional right-of-way is needed for Rundberg Lane at Violet View Drive. A soft bend in the right-of-way is suggested. Also, 10 feet of additional right-of-way is needed for Lamar Boulevard and the Director suggested an inspection of this to see where the additional land should be acquired. Mr. Welch (subdivider) said if they have to give or sell 10 feet it will result in the loss of about 20 lots and the plan will have to be re-done. He said the heavy traffic is all on the Interregional now instead of Lamar and he did not feel the additional width of Lamar would be justified. He said they intended to move Forest Drive to the east to give more depth to the affected lots to satisfy FHA.
3. Block G exceeds the maximum block length requirements of the Subdivision Ordinance and the staff is recommending a variance since Little Walnut Creek borders this block and a larger block is necessary for a good practical design.

Because of the lack of a quorum present, the Committee then

**AGREED:** To REFER this subdivision to the Planning Commission for consideration.

The Commission considered the REFERRAL of this subdivision. It was reported by the Director that the basic problem is in terms of right-of-way since North Lamar Boulevard is designated as a primary thoroughfare with a right-of-way of 120 feet and it now only has 100 feet. He further reported that several members of the Commission viewed this on the ground and recommended that 10 feet be taken from each side throughout the area since a considerable amount of the land is undeveloped. He said with the type of layout, having minimum dimensions, this would result in double frontage lots on a primary thoroughfare, and any juggling of lot lines would create a problem. This would result in a review of the layout or accepting 110-foot-depth lots. Since the effect of taking 10 feet from the other side of North Lamar cannot be determined, the staff cannot say that there would be more difficulty in taking 10 feet from each side.

Mr. Weldon Hudson (Isom Hale Engineers) suggested that the 10-foot widening start at the north end of Lot 5 from zero point at the intersection of Peyton Drive with North Lamar Boulevard; otherwise, if the plan prepared by the staff were followed they would lose ten lots. He thought his suggested plan of right-of-way would not ruin their shallow lots.

C8-62-5 North Lamar Park--contd.

Mr. Whitney reported that there is a problem of a slight offset in the intersection of Valley Forest Drive at Ridgeview Drive but the engineer has stated they have an agreement with the church to work something out on this. Mr. Whitney also stated that additional right-of-way for the secondary thoroughfare, Rundberg Lane, will be necessary and Mr. Hudson said the owner indicated that he would agree to this provided he could use some lots for commercial uses, but since this will be worked out on the final plat the owner hoped the Commission would approve this plan with a condition on the right-of-way only.

Mr. Whitney further reported that the Public Works Department has requested changes in the names of Forest Drive, Valley Forest Drive and Ridge View Drive and the Planning Department has recommended a change of Peyton Place as it is too similar to existing Peyton Drive. He explained that Block G exceeds the maximum block length requirements permitted and the staff is recommending a variance since Little Walnut Creek borders this block and a larger block length is necessary for a good practical design.

Upon review of the various problems presented, the Commission

VOTED: To APPROVE the plan of NORTH LAMAR PARK subject to the following conditions:

1. An additional 10 feet of right-of-way being provided for the widening of Lamar Boulevard from the north line of the subdivision to the north line of Lot 5 and then tapering to zero at the south line of Lot 1, Block A,
2. Working out a better intersection of Valley Forest Drive at Ridge View Drive,
3. Rounding the intersection at Rundberg Lane and Violet View Drive, and
4. Changing the names of Forest Drive, Valley Forest Drive, Ridge View Drive, and Peyton Place, and
5. Compliance with departmental requirements; and

to grant a variance from the Subdivision Ordinance on block length requirements for Block G.

C8-62-6 Northwest Hills, Sec. 6  
Northwest Dr. N. of Sierra

The following recommendations were presented by the staff and discussed:

1. The name of Glen Oak Drive should be changed as requested by the Post Office.

C8-62-6 Northwest Hills, Sec. 6--contd.

2. Blocks K, I, and L exceed maximum block length requirements of the Subdivision Ordinance and a variance is recommended because of the topography and location of some Live Oak trees.

Mr. Whitney reported that Mr. David B. Barrow (subdivider) had made some minor changes, eliminating two streets on the east.

Mr. W. L. Bradfield (adjoining owner) said he would like to have some of the streets extended to their proposed subdivision but he would work this out with Mr. Barrow.

Because of the lack of a quorum present, the Committee then

AGREED: To REFER this subdivision to the Planning Commission for consideration.

The Commission considered the REFERRAL of this subdivision. The following report was presented by the Director: The problem here involves the location of thoroughfares through the subdivision -- a primary thoroughfare running east and west and a secondary thoroughfare running north and south. Mesa Drive constitutes the western boundary of the subdividable area at the present time. Our proposal, in accordance with the Plan, is that this secondary thoroughfare must be located through this subdivision from Spicewood Springs Road to Bull Creek Road. Mesa Drive should be the north-south thoroughfare. This continues northward through relatively level land. One problem is that Section 5 on the south was approved inadvertently about four months ago with no provision for this thoroughfare. We feel that although there are questions about this, we have a thoroughfare proposed on the Plan and we have no alternative. If we move west we have no location for the thoroughfare which is a matter of general necessity through the area. There may be alternative routes for the thoroughfare but we feel there will be need for a thoroughfare because of density in the area. Mesa Drive is a 60-foot collector street and the Plan requires a 90-foot width. In order to accommodate the thoroughfare, the plan will have to be revised.

Mr. David Barrow (subdivider) then replied with the following information: My approach to the Plan in the past has been that it was not a fixed thing as the City Council has agreed. I think any change should be very carefully studied and not done unless you think it is a sound thing to do. If you decide that this should be a 90-foot thoroughfare I will be willing to do it but it cannot be done to the south since these lots have been sold. I think the proposed right-of-way takes care of it adequately because of Northhill Drive which provides access to the east. I think all of the Lake traffic and major traffic in this plat area will go to the east to Bull Creek Road. Topographic conditions would prevent any high density in this area. I do not think the need is there for the thoroughfare south of this property. This is very irregular land and you will have two 60-foot streets and one

C8-62-6 Northwest Hills Sec. 6--contd.

90-foot thoroughfare to take this traffic. If I had thought it were needed, I would have put in a 90-foot thoroughfare in Section 5 which was approved through a misunderstanding of the location of this property. I agree to the 90-foot thoroughfare north from Northhill but not to the south.

Mr. Osborne then added the following: The City could acquire in some way the extra width from the six existing lots south of this subdivision. There could be Lake traffic going through the area, an elementary school is proposed and land for a junior high school is to be located in the area. (Mr. Barrow said the elementary school will be located in the gravel pit.) We feel that the thoroughfare is needed, primarily because of the traffic into the hill country. We cannot get many locations for thoroughfares in this area.

The Commission discussed the requirements of the Development Plan in relation to this subdivision plan. It was felt that there should be a thoroughfare in the area but it was noted that the density in the area is very sparse and the need for a 90-foot thoroughfare was questioned. It was concluded that this plan should be discussed in the proposed meeting with the City Council.

Mr. Whitney then presented other recommendations made by the Planning Department at the Committee meeting to which Mr. Barrow had agreed. The Commission then

VOTED: To APPROVE the plan of NORTHWEST HILLS SEC. 6 subject to the following conditions:

1. Provision of a 90-foot right-of-way for Mesa Drive north from Northhill Drive,
2. Change of the name of Glen Oak Drive as requested by the Post Office, and
3. Compliance with departmental requirements;

and to grant a variance from the Subdivision Ordinance on block length requirements for Blocks K, I and L.

DISQUALIFIED: Mr. Barrow

C8-62-7 White Plains, Sec. 3  
Plains Trail

Because of the lack of a quorum present, the Committee

AGREED: To REFER this subdivision to the Planning Commission for consideration.

C8-62-7 White Plains Sec. 3--contd.

The Commission considered the REFERRAL of this subdivision. The staff reported that there are no problems involved in this subdivision and it was recommended for approval subject to compliance with departmental requirements. The Commission therefore

VOTED: To APPROVE the plan of WHITE PLAINS SEC. 3 subject to compliance with departmental requirements.

C8-62-8 Northgate Subdivision  
Fiskville Rd.

Because of the lack of a quorum present, the Committee

AGREED: To REFER this subdivision to the Commission for consideration.

The Commission considered the REFERRAL of this subdivision. The following factors were presented by the staff for consideration: There is a question as to the ultimate land use for the tier of lots along Middle Fiskville Road which are each about 3 acres in area. Although this was considered as a residential subdivision because these tracts were not otherwise labeled, the size of the tracts indicated that they might be used as industrial lots, there being several junk yards along the Interregional Highway in this area outside the City at this time. The right-of-way of the streets is for residential use and would need to be widened if other uses are proposed.

Mr. Hudson explained that the reason the lots were left in this size was that there is no water line in Middle Fiskville Road. He said they did not intend to set this out as an industrial subdivision but are not in a position to say now what they will be used for eventually since they will be sold in 3-acre lots. (Mr. Osborne reported that the Legal Department has ruled that the 3-acre lots cannot be sold off without approval of the Commission.) Mr. Hudson said that subdividing with  $2\frac{1}{2}$  lots per acre size on Middle Fiskville Road would not be feasible and the main purpose of leaving this as it is was because of the condition of property across the street. He noted that there is a natural hill which cuts off this residential subdivision from the view across the Road.

The Commission felt that further study should be given this subdivision and it was therefore

VOTED: To REFER the plan of NORTHGATE SUBDIVISION to the Subdivision Committee and to instruct the staff to work with the subdividers and engineers on the plan.

C8-62-9 Neans Place, Sec. 2  
N. Lamar and Milford

Because of the lack of a quorum present, the Committee

AGREED: To REFER this subdivision to the Commission for consideration.

C8-62-9 Neans Place, Sec. 2--contd.

The Commission considered the REFERRAL of this subdivision. It was reported by the staff that 10 feet of additional right-of-way is needed for the widening of North Lamar Boulevard which is designated in the Development Plan as a primary thoroughfare with a right-of-way of 120 feet and now has 100 feet. It was further reported that additional contour information is needed. The Commission therefore

VOTED: To APPROVE the plan of NEANS PLACE SEC. 2 subject to 10 feet of additional right-of-way being shown for the widening of North Lamar Boulevard and to compliance with departmental requirements.

## SHORT FORM PLATS

The Committee reported that a number of short form subdivisions were listed for consideration but for lack of a quorum present the Committee did not consider them.

## PRELIMINARY PLAN

C8-61-48 Greenwood Hills  
E. of Congress, S. of St. Elmo

The Director reported that the City Council had considered the recommendation of the Commission that the Development Plan be amended to permit this residential subdivision in a designated industrial area. He said the City Council made a field trip, checked the area extensively, and referred it back to the Commission with a recommendation against any amendment to the Plan in this area. Mr. Barrow reviewed the action by the Commission at the special meeting and suggested that this matter be discussed with the City Council and that the Commission request a meeting with the City Council for this purpose. The Commission then

VOTED: To request the Chairman to arrange a meeting with the City Council at the earliest possible time for a discussion on this proposed amendment.

It was further

VOTED: To CONTINUE POSTPOMENENT of the plan of GREENWOOD HILLS.

## SUBDIVISION PLATS - FILED

C8-62-13 Northridge Terrace Sec. 2  
Hardy Dr. and Vallejo St.

The staff reported that reports have not been received from several departments and that no action on this final plat is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT for filing the plat of NORTHRIDGE TERRACE SEC. 2.

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SUBDIVISION PLATS - CONSIDERED

C8-61-47 Hillridge Addition  
Aurora Drive

This plat was presented for layout approval only because fiscal arrangements have not been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of HILLRIDGE ADDITION pending completion of fiscal arrangements.

C8-62-4 Brinwood Sec. 3  
Brinwood Ave. and El Paso St.

The staff reported that fiscal arrangements have not been completed, that street and utility easements need to be identified, and that a variance is needed for several lots which do not have the required width across the rear, as caused by a curve in the street and wedge-shaped lots. The Commission therefore

VOTED: To DISAPPROVE the plat of BRINWOOD SEC. 3, pending completion of fiscal arrangements and identifying street and utility easements, and to grant a variance from the Subdivision Ordinance on lot width for the rear of several lots, and to authorize the staff to poll the Commission when these conditions have been met.

SHORT FORM PLATS - FILED

The staff reported that reports have not been received from several departments and that no action on the following short form plats is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT the following short form plats for filing:

C8s-62-15 Perlitz-Houston Subd.  
Bonnie Rd. and Robin Hood

C8s-62-16 Shoal Village Sec. 7  
West 45th St.

C8s-62-17 R. T. Parker Subd.  
Richcreek Rd. E. of Burnet Rd.

C8s-62-18 Resub. Lots 1-4, Blk. D, Bill's Addn.  
East Crest Dr. and Croslin St.

The staff explained that there is a 35-foot strip remaining from another lot and Mr. Bullard has stated that this will be used with an adjoining lot, with a restriction being placed on the plat that this 35-foot area is not to be used as a separate lot.

## SHORT FORM PLATS - CONSIDERED

The following plats were presented under Short Form Procedures and were reported by the staff to comply with all provisions of Section 4 of the Subdivision Ordinance. The Commission therefore

VOTED: To APPROVE the following plats:

- C8s-62-4 John Nash Subdivision  
Goodrich Ave. and Ford St.
- C8s-62-7 James N. Mowry Resub. Lots 5-7, Walnut Hills Sec. 4  
Northeast Dr. and Cook Dr.
- C8s-62-10 Resub. W. 60' Lot 11, Monte-Dale Subd.  
Carlton Rd. and Exposition Blvd.
- C8s-62-11 Resub. Lot 1, Blk. N, North Acres  
Applegate Dr. and Somerset
- C8s-62-12 Resub. Lots 10-11, Blk. P, Royal Oaks Estates Sec. 2  
Sandhurst Cr. N. of Rogge La.
- C8s-62-13 Resub. Lots 1-2, Blk. 6, Freewater Addn.  
3rd St. and Cardinal La.  
and to grant a variance from the Ordinance on street width requirements since the subdivider has given his part for widening.
- C8s-62-14 L. T. Sauer Subd., Resub. Lot 1  
Oertli La. E. of Georgian Dr.  
and to grant a variance from the Ordinance on street width requirements since the subdivider has given his part for widening.
- C8s-62-19 Oak Haven Sec. 4  
Erin La. and 45th St.
- C8s-61-93 Outlot 56, Div. B, Resub. Lot 2, Blk. 4  
Hackberry St. and Comal St.

The staff reported that the plat has been revised as previously suggested by the Commission and that Mr. Naumann (subdivider) has agreed to place a restriction on the plat that he will not sell any one of the houses as a separate lot but only as shown on the plat as lots, and that any alterations to the buildings would conform to the City ordinances. It was further reported that the following comments were received from the Building Inspector: "On-the-site inspection of this proposed subdivision reveals there are seven houses located on the lots numbered 2-4. Inasmuch as this creates a violation of the City of Austin Ordinance, the Building Inspector's Office recommends that this proposed subdivision be denied."

The staff called attention to the fact that the lot on the south is not included in the subdivision since it is a legal lot created prior to the present Ordinance requirements, with a width of 46 feet, and if it is included in this plat a variance would be required. The staff recommended that the lot be included in the plat. Mr. Naumann said there has been a grocery store on this lot for some time and the property is not zoned commercial, and if anything happens to the store he would not want to be deprived of the use of the lot as commercial.

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C8s-61-93 Outlot 56, Div. B, Resub. Lot 2, Blk. 4--contd.

The Commission then

VOTED: To APPROVE the plat of OUTLOT 56, DIV. B, RESUB. LOT 2, BLK. 4, subject to the following conditions:

1. That a restriction be placed on the plat that no one of the existing houses will be sold as a separate lot but only as shown on the plat as lots,
2. That any alterations to the buildings conform to the City ordinances, and
3. That the south lot be included in this plat;

and to grant a variance from the Subdivision Ordinance on lot width requirements for the south lot.

C8s-61-153 Resub. Lots 41-42, Blk. 3, Chernosky Sub. No. 9  
E. 12th and Luna Sts.

The Director reported that the interior lot is under the ownership of Mr. Walter Carrington who has agreed to give the necessary 10 feet for the widening of East 12th Street, but a question has been raised as to dedication from the corner lot since the original owner will not agree with the dedication from his property. Mr. Richard Baker (attorney for Mr. Carrington) explained that the original owner thought the property had been subdivided some time ago but when Mr. Carrington applied for a building permit he found that a subdivision is necessary. He confirmed the statements of the Director regarding dedication of additional right-of-way.

Mr. Barrow said he would be in favor of this offer of Mr. Carrington to dedicate the 10 feet of right-of-way but felt that it should be accomplished when the other portion is dedicated. Mr. Osborne suggested that a 35-foot setback requirement be placed on the plat and acceptance of the agreement to dedicate this portion of the street when the other portion is dedicated. The Commission therefore

VOTED: To APPROVE the plat of RESUB. LOTS 41-42, BLK. 3, CHERNOSKY SUB. NO. 9, subject to a 35-foot setback restriction being placed on the plat.

C8s-62-9 Resub. Pt. Lot 1, Cherico Subdiv.  
Gunter and Neal Sts.

The staff called attention to a report by the Drainage Division that "Both lots in this subdivision are subject to flooding by rainfall due to the low-lying position of the property in the Boggy Creek watershed." The staff explained that the Ordinance requires that a subdivision be denied where lots are subject to flooding. The Commission therefore

VOTED: To DISAPPROVE the plat of RESUB. PT. LOT 1, CHERICO SUBDIV.

## OTHER BUSINESS

C10-62-1(a) ALLEY VACATION

Holly St. Alley E. from Mildred St.

Upon review of the letter requesting this alley vacation it was learned that only one abutting owner had signed the request. The Commission therefore

VOTED: To REFER this request back to the Public Works Department for signature of the other abutting owner.

C10-62-1(b) STREET VACATIONBoulevard View, 25 $\frac{1}{2}$  St. to 26th St.

The Commission reviewed a letter from the abutting owners of this short street and the request of one department for retaining an easement for utilities. It was noted that this street only extends through the middle of a block from one street to another and the Commission felt that there would be no necessity for its remaining open as a street since all abutting property fronts on a street. It was therefore

VOTED: To recommend that Boulevard View between 25 $\frac{1}{2}$  and 26th Streets be VACATED, subject to the City retaining the necessary easements.

C2-62-1(a) DEVELOPMENT PLAN AMENDMENTS

Greenwood Hills subdivision

The proposal for an amendment to the Development Plan in relation to Greenwood Hills subdivision (C8-61-48) as discussed with the City Council was reviewed. The Commission felt that a meeting with the City Council to discuss the matter of amendments to the Development Plan would be advisable and the Chairman was requested to discuss with the City Council the scheduling of a meeting between the two groups as soon as possible to review this procedure.

## REPORTS

C8-61-38 Granberry Park

Parker Lane

The staff reported that restrictions imposed by the Commission have been complied with and that the Commission members had been polled by telephone January 26, 1962, and had

VOTED: To APPROVE the plat of GRANBERRY PARK.

MEMBERS CONTACTED: Messrs. Barkley, Brunson, Doss, Kinser, Lewis and Spillmann.

## ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

APPROVED:

*David B. Barrow*

Chairman

*Hoyle M. Osborne*  
Hoyle M. Osborne, Executive Secy.